

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Rohan Coelho, et al.

Serial No.: 10/038,933

Filed: January 4, 2002

For: CONSENT SYSTEM FOR ACCESSING
HEALTH INFORMATION

BOX MISSING PARTS

Assistant Commissioner for Patents
Washington, D.C. 20231

Examiner: Unassigned

Art Unit: 2166

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OCT 03 2002DECLARATION OF JAMES H. SALTER

Dear Sir:

I, James H. Salter, having personal knowledge of the facts set forth herein, hereby declare as follows:

1. I am the Attorney of Record and a member of the law firm of record, Blakely, Sokoloff, Taylor & Zafman LLP, for the above-identified patent application entitled " CONSENT SYSTEM FOR ACCESSING HEALTH INFORMATION".
2. The above-identified patent application names the inventors as: Rohan Coelho, Michael J. Payne, and Robert Adams.
3. The above-identified patent application was filed with an un-signed Inventor Declaration and Power of Attorney form at the U.S. Patent Office on January 4, 2002.
4. On March 28, 2002, I received a "Notice to File Missing Parts of Nonprovisional Application (Filing Date Granted) with a mailing date of March 21, 2002.
5. In order to timely respond to the March 21, 2002 Notice to File Missing Parts, a number of attempts and diligent efforts have been made to obtain inventor Rohan Coelho's

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signature on the Inventor Declaration and Power of Attorney form for the above-referenced patent application, specifically:

- (1) On September 7, 2001, an associate attorney at Blakely, Sokoloff, Taylor & Zafman LLP, Lisa Benado, sent by Express Mail a final draft patent application, an Inventor Declaration and Power of Attorney form, and an Assignment to inventor Rohan Coelho at the following address:

Rohan Coelho
14949 NW West Union Road
Portland, OR 97229

By cover letter, Ms. Benado asked Mr. Coelho to review the patent application, to sign the Inventor Declaration and Power of Attorney form and Assignment, and to return the signed forms to her in the self-addressed stamped envelope provided. Ms. Benado advised Mr. Coelho that the patent application would be filed on September 28, 2001. Mr. Coelho did not respond. (Supporting document included as Exhibit A)

- (2) On November 8, 2001, I instructed my administrative assistant, Barbara Skliba, to send by Federal Express to inventor Rohan Coelho a patent application draft at the following address:

Rohan Coelho
14949 NW West Union Road
Portland, OR 97229

By cover letter, I asked Mr. Coelho to review the patent application draft and to provide comments to me by November 19, 2001. I advised Mr. Coelho that I planned to file the application on November 21, 2001. I never received a response to my letter. (Supporting document included as Exhibit B)

(3) On April 19, 2002, I instructed my administrative assistant, Barbara Skliba, to send by Federal Express an Inventor Declaration and Power of Attorney form, and an Assignment to Rohan Coelho at the following address:

Rohan Coelho
14949 NW West Union Road
Portland, OR 97229

By cover letter, I asked Mr. Coelho to sign the Inventor Declaration and Power of Attorney form and the Assignment, and to return the signed forms in the prepaid Federal Express envelope provided. Mr. Coelho did not respond. (Supporting document included as Exhibit C)

(4) On June 11, 2002, I instructed my administrative assistant, Claire Wallters, to send by Federal Express to inventor Rohan Coelho a copy of the filed patent application, an Inventor Declaration and Power of Attorney form, and an Assignment to the following address:

Rohan Coelho
14949 NW West Union Road
Portland, OR 97229

By cover letter, I asked Mr. Coelho to sign the Inventor Declaration and Power of Attorney form and the Assignment and return the forms to me in the pre-paid Federal Express envelope provided. I did not receive a response. (Supporting document included as Exhibit D)

(5) Rohan Coelho's last known address is:

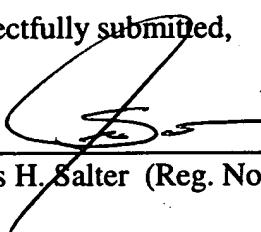
Rohan Coelho
14949 NW West Union Road
Portland, OR 97229

(6) I believe I have made diligent efforts to reach the joint inventor who has refused to join in an application for patent.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and that these statements were made with knowledge that willful, false statements and the like may jeopardize the validity of the application, or any patent resulting therefrom.

Respectfully submitted,

Date: 6/24, 2002



James H. Salter (Reg. No. 35,668)

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(408) 720-8300

CERTIFICATE OF FIRST CLASS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to BOX MISSING PARTS, Assistant Commissioner for Patents, Washington, D.C. 20231 on June 21, 2002.

Barbara Skliba
Name of Person Mailing Correspondence

Barbara Skliba
Signature of Person Mailing Correspondence